

Dear Interested Party:

The Department of Fish and Wildlife is proposing that certain bail-forfeitable offenses (offenses that a person may post bail on and never have to go to court) be changed from criminal misdemeanors to infractions. We would appreciate your comments on these proposals.

Total number of rules recommended for infraction status: 28.

The text of the proposed changes is attached as well as available on the Department website at <http://wdfw.wa.gov>. We would appreciate your review and any comments you may have. Please send your comments to:

Evan Jacoby Rules Coordinator
600 Capitol Way North
Olympia, WA 98501-1091

or e-mail to jacobesj@dfw.wa.gov

Additionally, you may give comments directly to the Commission at the public hearing on these proposals, which will be held April 7-8, at the Comfort Inn and Conference Center, 1620 - 74th Ave. SW, Tumwater. For the exact time of the presentation of these proposals, please contact Nancy Burkhart, Commission Executive Assistant, at (360) 902-2449.

Thank you in advance for your comments on these proposals.

Sincerely,

Evan Jacoby, Rules Coordinator

WAC 232-12-027 Game farm license provisions. It is unlawful to operate a game farm without a current, valid Washington state game farm license.

(1) Game farms licensed prior to January 1, 1992, may continue to possess, propagate, sell and transfer wildlife they lawfully possessed on January 1, 1992, under their license issued by the department. Transfers of wildlife other than those species listed under subsection (2) are restricted to licensed game farms authorized by written license to possess said wildlife.

(2) Game farms licensed on or after January 1, 1992, may purchase, possess, propagate, sell or transfer the following wildlife:

(a) Game birds - pheasant, of the genus *Phasianus*; gray partridge of the genus *Perdix*; chukar of the genus *Alectoris*; quail of the genus *Colinus*, *Callipepla*, and *Oreortyx*; waterfowl of the family *Anatidae*.

(3) Application for a game farm license shall be made on a form provided by the department.

(4) The director or designee of the director may issue, with conditions or restrictions, a game farm license, if the applicant meets the requirements of subsection (1) or (2) above and complies with the following criteria:

(a) The applicant is the owner or tenant of or has a possessory interest in the lands, waters, and riparian rights shown in the application.

(b) The rearing and holding facilities are adequate and structurally sound to prevent the egress of game farm wildlife.

(c) Operating conditions are clean and humane.

(d) No hazards to state wildlife exist from the operation.

(e) The license covers only the immediate premises and areas described on the application where wildlife will be held.

(5) Holders of a game farm license must make annual reports no later than the 15th of January to the director on forms to be furnished by the department. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(6) A licensed game farm must be inspected annually. All inspection costs will be paid by the licensee. The inspection must occur during the months of June, July, or August. An inspection form will be provided by the department and must be

completed and signed by a licensed veterinarian or an agent authorized by the department. The inspection form must accompany the annual report and be submitted to the director no later than the 15th day of January.

(7) A game farm license is not required for captive-bred mink, *Mustela vison*, and captive-bred silver fox, *Vulpes fulva*, lawfully acquired from a licensed breeder or fur farm and held for fur farming purposes.

AMENDATORY SECTION (Amending Order 03-175, filed 8/5/03, effective 9/5/03)

WAC 232-12-055 Hunting--Hunter orange clothing requirements. (1) Except as authorized in subsection (4) of this section, it is unlawful to hunt upland birds or rabbits during any upland game bird season unless the hunter is wearing fluorescent hunter orange clothing.

(2) It is unlawful to hunt deer or elk during the modern firearm seasons in any manner unless the hunter is wearing fluorescent hunter orange clothing.

(3) It is unlawful to hunt bear, cougar, bobcat, raccoon, fox, coyote, rabbit, forest grouse or hare during those times and in those places open to the taking of deer or elk during a modern firearm season, unless the hunter is wearing fluorescent hunter orange clothing.

(4) Persons who are hunting upland game birds during an upland game bird season with a muzzleloading firearm, bow and arrow or falconry are not required to wear fluorescent hunter orange clothing.

(5) Wearing fluorescent hunter orange clothing means: A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist and visible from all sides.

(6) Violation of this section is an infraction, punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending Order 03-03, filed 1/7/03, effective 2/7/03)

WAC 232-12-106 Provisions for accidental take by falconers. (1) When a raptor being used in falconry accidentally takes any species of wildlife (quarry) for which the hunting season is not currently open, the falconer must release the quarry if it is not seriously injured. If the quarry has been seriously injured or killed, the falconer may not retain or possess the quarry, but the raptor may feed upon the quarry before leaving the site of the kill.

(2) If the accidentally killed quarry is a species identified on the Washington candidate species list (for endangered, threatened, or sensitive status) or specifically identified by the director, the falconer shall, before leaving the site of the kill, record upon a form provided by the department, or upon a facsimile, the falconer's name, falconry permit number, date, species and sex (if known) of the quarry, and exact location of the kill. The falconer shall submit the information to the Washington department of fish and wildlife falconry permit coordinator by April 1 following the close of the current hunting season.

(3) Accidental kill by any falconer in any license year shall not exceed a total of five individuals of any combination of species designated under subsection (2) of this section. Following an accidental kill by any falconer of any species designated under subsection (2) of this section, the falconer shall cease hunting for the day.

(4) Notwithstanding any other section of this rule, take of species designated as endangered, threatened, or sensitive in Washington under WAC 232-12-011 or 232-12-014 is not permitted except by permit from the director.

(5) Violation of this section is an infraction, punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending Order 99-118, filed 8/11/99, effective 9/11/99)

WAC 232-12-134 Report required of licensed trappers. It is unlawful for any licensed trapper to fail to ~~((complete and))~~ submit to the department, a trapper's report of catch postmarked on or before April 10. The report must be submitted regardless of success. Trappers who fail to submit an accurate trapper's report of catch must wait a year before purchasing another trapping license. ~~((False reports will be considered the same as failure to report.))~~ It is the responsibility of each licensed trapper to obtain and submit a trapper's report of catch.

Violation of this section is an infraction, punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending Order 438, filed 5/11/90, effective 6/11/90)

WAC 232-12-177 Vehicles using department lands. ~~((1)) It is unlawful to operate a motor driven vehicle on lands owned, controlled or managed by the department except on such land or roads as may be authorized by the director.~~

~~(2))~~ It is unlawful to operate a motor driven vehicle on a road controlled or managed by the department pursuant to road management agreement in a manner or for a purpose contrary to posted signs or notices except as authorized by the director.

Violation of this section is an infraction, punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 232-12-272 Juvenile fishing events. (1) Juvenile fishing events are restricted to persons under fifteen years of age. A juvenile fishing event exists when ten or more juveniles fish competitively and determine winners, regardless of prize value.

(2) It is unlawful for a juvenile fishing event sponsor to fail to notify the department regional office in the region in which the event will occur prior to holding a juvenile fishing event. The department shall approve or deny the juvenile fishing event. It is unlawful to sponsor a juvenile fishing event if the department has denied approval of the event. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(3) Juvenile fishing events that may adversely affect fish or wildlife resources or other recreational opportunity may be denied. Juvenile fishing events are not allowed on sea-run cutthroat trout, Dolly Varden, or bull trout.

(4) The daily limit for the juvenile fishing event shall not exceed the daily limit for the species being fished in the body of water where the event is being held, except that the event sponsor may set a daily limit lower than the daily limit for the body of water. Events are restricted to approved waters.

(5) Events may not exceed three consecutive days.

(6) Event participants may not restrict public access at boat launches.

(7) The total prizes awarded for any juvenile fishing event may not exceed \$1,000.

(8) Juvenile fishing event sponsors requesting fish from the department are required to apply for fish by February 1st of the year in which the event is planned.

Sponsors who receive fish are required to report event information required by the department by February 1st of the year following the event. Failure to report event information will result in a denial of fish for the calendar year following the calendar year during which the event was held.

AMENDATORY SECTION (Amending Order 04-250, filed 9/27/04, effective 10/28/04)

WAC 232-12-275 Wildlife rehabilitation permits. (1) For the purposes of this rule, the following definitions apply:

(a) "Bird" means any wild animal of the class Aves.

(b) "Dedicated workspace" means the minimum amount of floor space necessary to maintain access to oiled bird rehabilitation pens.

(c) "Drying resources" mean the floor space and pen requirements associated with the removal of water from the skin and feathers of a bird.

(d) "Imping" means a method of repairing broken feathers.

(e) "Indoor area" means the space within an oiled bird rehabilitation facility in which the air temperature and exchange of air can be controlled and maintained. Indoor areas may consist of space for: Intake, prewash holding, wash/rinse, drying, oiled bird rehabilitation pools, morgue/necropsy, bird food preparation, storage, freezers, isolation/intensive care unit, medical laboratory, laundry, electrical, and mechanical areas.

(f) "Intake space" means the minimum amount of floor space necessary to admit live or dead birds into an oiled bird rehabilitation facility.

(g) "Mesh size" means the measured distance between the centers of the two opposing vertices in the same mesh of a piece of netting when pulled taut.

(h) "Oil" means oil of any kind and any form, such as petroleum and nonpetroleum oils including, but not limited to, crude oil and refined petroleum products, animal fats and vegetable oil, other oils of animal or vegetable origin, and other nonpetroleum oils.

(i) "Oiled bird" means a bird that has come in contact with oil.

(j) "Oiled bird rehabilitation pen" means an enclosure used to hold birds during oiled bird rehabilitation.

(k) "Oiled bird rehabilitation pool" means a container filled with unheated fresh water used during the rehabilitation of oiled birds.

(l) "Oiled bird rehabilitation" is a specialized form of wildlife rehabilitation and means the process of caring for oiled birds during intake, prewash holding, washing and rinsing, drying; while in pools; by providing semi-static and static areas; and by maintaining air temperature and air exchange while the birds are in an oiled bird rehabilitation facility.

(m) "Oiled bird rehabilitation facility" is a type or portion of a wildlife rehabilitation facility and means the contiguous indoor and outdoor areas used for the rehabilitation of oiled birds.

(n) "Outdoor area" means an area within an oiled bird rehabilitation facility that does not fit the definition of an indoor area.

(o) "Orphan-imprinting" means to use wildlife for the purpose of feeding, socializing, and teaching appropriate behavior to young wildlife.

(p) "Prewash holding resources" mean the floor space and oiled bird rehabilitation pen requirements within an oiled bird rehabilitation facility necessary to hold birds after intake and prior to washing.

(q) "Principal veterinarian" means a licensed veterinarian who provides in writing their willingness to assist the rehabilitator in conducting wildlife rehabilitation activities.

(r) "Public display" means to place or locate wildlife so that they may be viewed by the public.

(s) "Semi-static areas" mean dedicated indoor spaces within an oiled bird rehabilitation facility where the required size of the space will vary relative to the number of birds to be rehabilitated. These include areas for bird food preparation, morgue/necropsy, storage, and freezers.

(t) "Static areas" mean dedicated indoor spaces within an oiled bird rehabilitation facility where the required size of the space does not vary regardless of the number of birds to be rehabilitated. These include areas for the isolation/intensive care unit, medical laboratory, laundry, electrical, and mechanical spaces.

(u) "Wash/rinse resources" mean the water, cleaning agent, and space requirements necessary to remove oil from the skin and feathers of a bird.

(v) "Wildlife rehabilitation" means the care and treatment of injured, diseased, oiled, or abandoned wildlife, including, but not limited to, capture, transporting, veterinary treatment, feeding, housing, exercise therapy, and any other treatment or training necessary for release back to the wild.

(w) "Wildlife rehabilitation facility" means the authorized sites as shown on the wildlife rehabilitation permit where the treatment and rehabilitation takes place.

(x) "Wildlife rehabilitator" means a person who conducts wildlife rehabilitation or someone who conducts wildlife rehabilitation under the supervision of a valid wildlife rehabilitation permit holder.

(y) "Wildlife rehabilitation permit" means a permit issued by the director, or director's designee, that authorizes a person, or someone under the supervision of a valid wildlife rehabilitation permit holder, to conduct wildlife rehabilitation.

(2) It shall be unlawful for any person to possess wildlife for the purpose of rehabilitation unless:

(a) They have a valid wildlife rehabilitation permit; or

(b) They are working under the supervision of a person who has a valid wildlife rehabilitation permit.

(3) A wildlife rehabilitation permit may be issued to a person to conduct or oversee wildlife rehabilitation and is valid so long as the information in the permit remains current, the permit holder continues to meet the conditions and requirements of the permit, and provisions of this rule are followed. Any change to the information on the permit must be reported in writing within ten working days or the permit may be invalidated.

(4) The director, or director's designee, may issue and condition a wildlife rehabilitation permit if the applicant complies with the following:

(a) The applicant is either a licensed veterinarian or can demonstrate six months of experience in wildlife rehabilitation, which must include three months during the spring or summer and has a principal veterinarian as a sponsor. The director, or director's designee, may consider education in wildlife rehabilitation as a substitute for experience.

(b) The applicant must successfully complete a wildlife rehabilitator's examination(s) as prescribed by the director, or director's designee.

(c) The wildlife rehabilitation facility is inspected by the department and meets the wildlife rehabilitation care and facility standards for wildlife in the *Washington State Wildlife Rehabilitation Facility and Care Standards* pamphlet. In order for the wildlife rehabilitation permit to allow for the rehabilitation of oiled birds, the facility also needs to meet the requirements in subsection (24) of this section. When facility requirements in subsection (24) of this section conflict with requirements in the *Wildlife Rehabilitation Facility and Care Standards* pamphlet, subsection (24) of this section shall take precedence.

(5) The wildlife rehabilitation permit holder must maintain and upon request make available to the department, a wildlife rehabilitation daily ledger. The ledger must include the date the wildlife is received, the species and nature of the illness, the location where the wildlife was found, the date and disposition of the wildlife, the release location, and if any, tags and/or band numbers. It is unlawful for a wildlife rehabilitation permit holder to fail to enter required information in the wildlife rehabilitation ledger within twenty-four hours of the day wildlife is received and on the day of all subsequent activities as required in the ledger.

(6) The wildlife rehabilitation permit holder must submit to the department no later than January 31 of each year an annual report providing information as required by the director, or director's designee, and a copy of the daily ledger. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(7) All permits and records held pursuant to statutes and rules dealing with wildlife rehabilitation will be kept on file at the wildlife rehabilitation facility. The records will be retained for a period of five years.

(8) A copy of the valid wildlife rehabilitation permit must be in possession of any person possessing or transporting wildlife for the wildlife rehabilitation facility.

(9) The wildlife rehabilitation permit holder will notify the department within twenty-four hours of receiving a state or federal endangered or threatened species or an oiled bird; within seventy-two hours of receiving a state sensitive species or marked, tagged, or banded wildlife; and prior to release of

threatened or endangered species or oiled birds. The release notification information relative to oiled birds shall include the number of birds being released, the species of birds being released, the proposed location of the release, and the proposed date/time of release.

(10) The wildlife rehabilitation permit holder will notify the department within twenty-four hours after the death of an oiled bird or a state or federal endangered or threatened species; or as soon as an endangered or threatened species is determined to be nonreleasable to the wild. Oiled birds or endangered or threatened species will not be disposed of or euthanized without prior department approval.

(11) Rehabilitated wildlife may be banded or otherwise identified by the department.

(12) The wildlife rehabilitation permit holder will notify the department, within five working days from the date of death, of any wildlife known to have died of the following diseases: Avian cholera, avian pox, duck viral enteritis, environmental contaminants, ornithosis, Newcastle's disease, rabies, canine distemper or tuberculosis (in species other than birds).

(13) Rehabilitated wildlife will be released as soon as possible into its proper habitat in the same area as recovered, except as provided by written authorization from the director or director's designee. Rehabilitated oiled birds shall only be released in the same area as recovered when the threat of becoming reoiled no longer exists. If the area that they were recovered in is not clean enough to allow for their release at that location, department approval is required prior to releasing rehabilitated oiled birds in another location.

(14) It is unlawful to hold wildlife for longer than one hundred eighty days, except as provided by written authorization from the director, or director's designee.

(15) Dead wildlife, excluding oiled birds, will be disposed of through deposit at an approved Washington state university or college, a permitted research project or through burial, incineration, or a licensed rendering facility. The wildlife rehabilitation permit holder shall notify the department when in possession of dead oiled birds. Dead oiled birds shall not be disposed of without prior department approval.

(16) It is unlawful to publicly display wildlife while it is undergoing rehabilitation.

(17) It is unlawful to retain wildlife for the purpose of orphan imprinting or to retain feathers of protected or endangered wildlife for the purpose of "imprinting," except as provided by written authorization from the director, or director's designee.

(18) It is unlawful for wildlife being held for rehabilitation to be used for propagation.

(19) Wildlife being held for the purposes of rehabilitation

must be kept separate from wildlife held under other licenses and domestic animals, except as provided by written authorization from the director, or director's designee.

(20) The wildlife rehabilitation permit holder may receive from the department and possess at the wildlife rehabilitation facility, dead wildlife for the purpose of feeding wildlife being rehabilitated.

(21) Fish and wildlife enforcement officers may inspect at reasonable times and in a reasonable manner the wildlife, permits, records, and wildlife rehabilitation facility of any wildlife rehabilitator.

(22) Any wildlife rehabilitation permit holder who fails to comply with any condition within the holder's permit or any provision of this rule is in violation of the permit and the permit may be revoked. Any wildlife rehabilitation permit holder found in violation of the permit conditions, with the exception of oiled bird facility requirements, may provide to the department a plan for corrective action, within ten days, to return to compliance. Any wildlife rehabilitation permit holder with an acceptable plan for corrective action to violations other than oiled bird facility requirements will be given a minimum of thirty days to correct a permit violation prior to revocation. Wildlife rehabilitation permit holders found in violation of oiled bird rehabilitation facility requirements shall correct these violations within twenty-four hours to avoid revocation of their authorization to rehabilitate oiled birds.

(23) All wildlife held by a wildlife rehabilitation permit holder remains the property of the state, is subject to control by the state and will not be offered for sale or sold.

(24) Oiled bird rehabilitation facility requirements:

(a) Air temperature and air exchange requirements: This section refers to the air temperature and air exchange requirements within indoor areas.

(i) Air temperature: All indoor areas shall have the means to control air temperature and shall be adjustable and maintainable at any given air temperature between 65°F - 85°F. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following shall also apply:

(A) Intake and prewash holding areas shall be air temperature controlled independently of other oiled bird rehabilitation facility areas but may be controlled together;

(B) Wash/rinse and drying areas shall be air temperature controlled independently of other oiled bird rehabilitation facility areas but may be controlled together; and

(C) The isolation/intensive care unit shall be air temperature controlled independently of other oiled bird rehabilitation facility areas.

(ii) Air exchange: All indoor areas shall have the means

to exchange the air volume a minimum of ten times per hour with fresh air from outside. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following shall also apply:

(A) Intake and prewash holding areas may be combined on the same air exchange system. Air exchange systems in the intake and prewash holding areas shall be independent of other oiled bird rehabilitation facility air exchange systems; and

(B) Wash/rinse and drying areas may be combined on the same air exchange system. Air exchange systems in the wash/rinse and drying areas shall be independent of other oiled bird rehabilitation facility air exchange systems; and

(C) The isolation/intensive care unit air exchange system shall be independent of other oiled bird rehabilitation facility areas; and

(D) The morgue/necropsy air exchange system shall be independent of other oiled bird rehabilitation facility areas.

(b) Intake space requirement: Intake shall occur in an indoor area. Forty square feet of contiguous floor space shall be provided for each group of sixty live or dead oiled birds, or portion of each group of sixty, that have been collected and are awaiting intake. The floor of the intake space shall be impermeable. Water shall not be allowed to accumulate on the floor.

(c) Prewash holding resource requirements: Prewash holding shall occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace shall be provided in the prewash holding area.

(i) Oiled bird rehabilitation pen requirements: Prewash oiled bird rehabilitation holding pens shall be no smaller than two feet in length by two feet in width; and a minimum of two feet high. Prewash oiled bird rehabilitation holding pens shall be constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch and shall provide 1.6 square feet of pen space per bird. Oiled bird rehabilitation holding pens shall be constructed in a manner such that no point within the pen is greater than two feet from a pen wall. Oiled bird rehabilitation holding pens shall be elevated a minimum of twelve inches above the floor surface.

(ii) Space requirements: In addition to the space required for prewash oiled bird rehabilitation holding pens, an additional 3.2 square feet of dedicated workspace shall be provided in the prewash holding area for each bird held in the prewash holding area. The floor of the prewash holding area shall be impermeable. Water shall not be allowed to accumulate on the floor.

(d) Wash/rinse resource requirements: Wash/rinse shall occur in an indoor area. A bird shall be provided wash/rinse space and associated resources within twenty-four hours after

intake.

(i) Water requirements: A minimum of three hundred gallons of fresh water with the following characteristics shall be made available within each wash/rinse space for each oiled bird being washed and rinsed: The water temperature shall be maintained between 104°F - 106°F; the water hardness shall be maintained between 30 mg - 50 mg calcium carbonate/liter (2-3 grain hardness); the water pressure shall be maintained between 40-60 p.s.i. at a flow rate not less than six gallons per minute. All water requirements listed above shall remain within the specified ranges at all times.

(ii) Cleaning agent requirements: Liquid dishwashing detergents are the only cleaning agents that shall be used to remove oil from birds. Other detergents, including, but not limited to, machine dishwasher soaps and detergents, hand soaps, powdered products, and antibacterial dishwashing detergents shall not be used.

(iii) Space requirements: One hundred square feet of contiguous floor space shall be provided for each group of sixteen live oiled birds, or portion of each group of sixteen, that are ready to be washed and rinsed. The floor of the wash/rinse area shall be impermeable. Water shall not be allowed to accumulate on the floor.

(e) Drying resource requirements: Drying shall occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace shall be provided in the drying area. Drying shall be accomplished by warming the air in the drying pen to between 90°F - 95°F.

(i) Oiled bird rehabilitation drying pen requirements: Oiled bird rehabilitation drying pens shall be no smaller than three feet in length by two feet in width; and a minimum of two feet high. Oiled bird rehabilitation drying pens shall be constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch and shall provide 2.7 square feet of pen space per bird. Each oiled bird rehabilitation pen shall be constructed in a manner such that no point within the pen is greater than two feet from a pen wall. Oiled bird rehabilitation drying pens shall be elevated a minimum of twelve inches above the floor surface. If prewash oiled bird rehabilitation holding pens meet the criteria for use as oiled bird rehabilitation drying pens and are used in the drying process, they must be cleaned of oil residue prior to use.

(ii) Space requirements: In addition to the space required for oiled bird rehabilitation drying pens, an additional 3.2 square feet of dedicated workspace shall be provided in the drying area for each bird held in the drying area. The floor of the drying area shall be impermeable. Water shall not be allowed to accumulate on the floor.

(f) Oiled bird rehabilitation pool resource requirements:

Oiled bird rehabilitation pools shall be filled with unheated fresh water. Oiled bird rehabilitation pool space shall be provided immediately after a bird has been dried, and shall be provided until the bird is released.

(i) Oiled bird rehabilitation pool requirements: Oiled bird rehabilitation pool water shall be a minimum of four feet deep. Each bird shall be afforded a minimum of 7.5 square feet of water surface space (e.g., a twelve-foot diameter oiled bird rehabilitation pool shall house not more than fifteen birds). Each oiled bird rehabilitation pool shall be of dimensions such that no point within the pool is greater than eight feet from a side of the pool. In addition, each oiled bird rehabilitation pool shall have a breathable cover to prevent birds from escaping. Each oiled bird rehabilitation pool shall be constantly supplied with water sufficient to maintain a depth of four feet and an exchange rate of not less than four and one-quarter times per day. Water exiting the oiled bird rehabilitation pool shall come from the surface of the pool so that floating debris and oil are removed. Water from oiled bird rehabilitation pools may be reused within a facility if made oil free.

(ii) Space requirements: Oiled bird rehabilitation pools shall be within the oiled bird rehabilitation facility. Oiled bird rehabilitation pools shall be no closer than four feet from another structure.

(g) Semi-static areas:

(i) Space requirements: Semi-static areas shall be indoor areas. The floors in semi-static areas shall be impermeable. Water shall not be allowed to accumulate on the floor. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is less than fifty, there are no minimum space requirements for semi-static areas. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is between fifty and one thousand, each semi-static area listed in Table 1 shall be allocated the associated space. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is between one thousand one and two thousand, each semi-static area listed in Table 1 shall be allocated two times the associated space, and, when the total number of birds in the oiled bird rehabilitation facility, on a given day, is between two thousand one and three thousand, each semi-static area listed in Table 1 shall be allocated three times the associated space, etc. Space for the semi-static areas listed in Table 1 shall be accommodated within an oiled bird rehabilitation facility with the exception of the morgue/necropsy.

Table 1:

Semi-static area space requirements by activity type.

Area	Space
Morgue/necropsy	250 sq. ft.
Bird food preparation	300 sq. ft.
Storage	100 sq. ft.
Freezers	100 sq. ft.

(h) Static areas:

(i) Space requirements: Static areas shall be indoor areas. The floors in static areas shall be impermeable. Water shall not be allowed to accumulate on the floor. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is less than fifty, there are no minimum space requirements for static areas. When the number of birds in an oiled bird rehabilitation facility, on a given day, exceeds fifty, each static area listed in Table 2 shall be allocated the associated space. All of the space associated with the areas listed in Table 2 shall be accommodated within an oiled bird rehabilitation facility with the exception of the laundry.

Table 2:
Static area space requirements by activity type.

Area	Space
Isolation/intensive care unit	200 sq. ft.
Medical laboratory	200 sq. ft.
Laundry	200 sq. ft.
Electrical	100 sq. ft.
Mechanical	250 sq. ft.